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Joshua Moon and Lolcow, LLC

THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

RUSSELL GREER,

Plaintiff,

v.

JOSHUA MOON, *et al.*

Defendants.

**DEFENDANTS' NOTICE OF
SUPPLEMENTAL AUTHORITY**

Case No. 2:24-cv-00421-DBB

District Judge David Barlow
Magistrate Judge Jared C. Bennett

NOW COME Defendants Joshua Moon and Lolcow, LLC, by and through their undersigned counsel, and file this Notice of Supplemental Authority regarding Defendants' pending Motion to Stay Discovery. ECF No. 245.¹

On April 30, 2025, Mr. Greer served the discovery request which is attached hereto as Exhibit A. This was the first and only discovery request Mr. Greer has sent in this case. A cursory review of Mr. Greer's discovery request, sent on the eve of a hearing notwithstanding that discovery in this matter has been open since late 2024, ECF No. 180, further illustrates why a stay or other relief is necessary as set forth at ECF No. 245 and in Defendants' other pending motions. Specifically:

¹ The underlying Motion is currently set for a hearing on May 6, 2025. ECF No. 260. Mr. Greer has not opposed that motion, and the time for filing any opposition has passed. ECF No. 273.

1. Mr. Greer has never indicated in any of his disclosures that either Joshua Moon, or the two John Does identified as “Russtard” or “Moseph.Jartelli” have any discoverable information in this case. ECF No. 185-1. As indicated in Mr. Greer’s stipulation at ECF No. 201, Mr. Greer (belatedly and following motions practice) identified only two individuals who likely possessed discoverable information (Nathan and Scott Greer), and the Plaintiff later admitted that even those two individuals did not have such information. It therefore appears Mr. Greer has violated his obligations relating to disclosures under Fed. R. Civ. P. 26 (a)(1)(A)(i) and prejudiced the Defendants by concealing his belief that at least three individuals (two John Does and Mr. Moon himself) have some additional quantity of discoverable information. Alternatively, Mr. Greer has sent extraordinarily tardy discovery requests in bad faith to individuals he admits have no discoverable information.

2. After waiting almost five years from the time he filed this litigation to initiate discovery (and over five months since a scheduling conference was held), Mr. Greer now also claims that he is entitled to responses on an expedited timeline. Specifically, although Fed. R. Civ. P. 33 (b)(2)(A) provides that responses to requests for production of documents are due within 30 days, Mr. Greer claims that Defendant Joshua Moon should be entitled to only half that time (15 days) to respond to Mr. Greer’s requests. Plaintiff has cited no authority for this proposition.

WHEREFORE, Defendants Joshua Moon and Lolcow, LLC assert that the Motion at ECF No. 245 should be granted, or the Court should order other appropriate relief.

DATED April 30, 2025

HARDIN LAW OFFICE

/s/ Matthew D. Hardin

Matthew D. Hardin

Attorney for Defendants Joshua Moon
and Lolcow, LLC



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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

RUSSELL GREER

Plaintiff

v.

JOSHUA MOON ET AL,

Defendants

**PLAINTIFF'S REQUEST FOR
PRODUCTION OF RECORDS**

Case No.: 2:24-cv-00421-DBB-JCB

TO: JOSHUA MOON

Under Federal Rules of Procedure 26(b), you are requested to produce the following documents and records in 15 days. These records pertain to users on Kiwi Farms:

1. The name and any email addresses that were used to register the account of John Doe #1, AKA "Moseph.Jartelli".
2. The name and any email addresses that were used to register the account of John Doe #2, AKA "Russtard".

You shall have your attorney, Matthew Hardin, provide the documents by May 15th to Russell Greer through electronic mail.

Respectfully submitted,

Russell Greer



From: Matthew Hardin matthewdhardin@gmail.com
Subject: Re: Request for production of documents
Date: April 30, 2025 at 9:37 AM
To: Russell Greer russmark@gmail.com

Good morning,

Can you explain the basis for your assertion that you are owed a response in 15 days rather than 30 days (Rule 33 (b)(2)(A))? Additionally, I would appreciate it if you could explain how this discovery is proportional to the needs of the case in light of the stipulation at ECF No. 201 and your failure to oppose the motion at ECF No. 245.

Best,

Matthew D. Hardin

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On Apr 30, 2025, at 5:16 AM, Russell Greer <russmark@gmail.com> wrote:

Good morning,

Please find attached my request for documents.

Thanks

<request for production of documents.pdf>